IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36619 of 2008
AWADHESH CHAUDHARY
Versus
STATE OF BIHAR
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4. 1.12.2008 Heard Mr. Gajendra Nath Ojha, learned counsel for the petitioner and Smt. Indiwar Kumari, learned A.P.P.

The case is under section 364A of the Indian Penal Code in which a ten years school going child was picked up by none else than his own relative accused Manan, who happens to be the son of his Mama. The child was confined in a house where three persons including this petitioner were sleeping with the child so as to keeping guard upon him. The police and the father of the child reached there and recovered the child while taking into custody three accused including this petitioner, Awadhesh Chaudhary.

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The child has made his statement before the police in para-47 of the case diary and the above facts are into the statement.

The contention is that co-accused Sushil Chaudhary, who was named in the F.I.R., has been admitted to bail by a Bench of this Court and that the petitioner being in custody for over a year and charges being framed, no witness has been produced in the case.

As regards granting bail to accused Sushil Chaudhary @ Sushil Kumar Chaudhary by a Bench of this Court, I find after going through that particular order passed in Cr. Misc. no.34326 of 2007 that the Hon'ble Judge was not aware of the statement of the victim which was recorded by the police and it was the main material on which the petitioner has been put behind the bar. As

such, that particular order could not be of any help to the petitioner.

Considering the direct and specific material against the petitioner, I am not inclined to direct release of the petitioner from custody.

The petition is dismissed.

(Dharnidhar Jha,J)

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